

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

VERGIL EURISTI MARTINEZ

v.

DOUG DRETKE, DIRECTOR
OF TDCJ-CID

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CIVIL ACTION NO. G-02-718

FINAL JUDGMENT

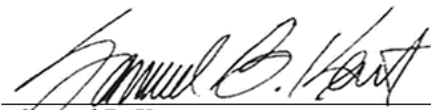
For the reasons set forth in this Court' s Opinion and Order entered on even date herewith, it is **ORDERED** that the “ Petition for Writ of Habeas Corpus by a Person in State Custody” of Vergil Euristi Martinez is **GRANTED** insofar as it claims that Petitioner' s trial attorneys provided ineffective assistance of counsel for failing to investigate mitigating evidence available to them.

It is further **ORDERED** that the death sentence entered on April 15, 1998, by the 23rd District Court of Brazoria County, Texas in Cause No. 32,079, styled *State of Texas v. Virgil Euristi Martinez*, is **VACATED**.

It is further **ORDERED** that the State of Texas shall initiate a new punishment proceeding in Cause No. 32,079 within 120 days of this Final Judgment. If appealed in a timely manner, this Final Judgment is **STAYED** pending resolution of the appeal. Any relief sought by the parties that is not specifically granted herein is **DENIED**.

THIS IS A FINAL JUDGMENT.

DONE at Galveston, Texas this 7th day of February, 2006.



Samuel B. Kent
United States District Judge